## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Case No.: 5:20-cv-00157-KDB-DCK

CURTIS EDWIN LEYSHON,	)	
	)	
Plaintiff,	)	
	)	NOTICE OF ATTEMPT TO
v.	)	COMPLY WITH STANDING
	)	ORDER REQUIRING INITIAL
Michael Duncan, individual and official	)	SETTLEMENT CONFERENCE
capacity; B. Carlton Terry, individual and	)	IN CIVIL CASES ON BEHALF
official capacity; Pam Barlow, individual and	)	OF DEFENDANTS DUNCAN,
official capacity; and Matthew Levchuk,	)	TERRY, BARLOW AND
individual and official capacity,	)	LEVCHUK
	)	
Defendants.	)	

NOW COMES Defendant Michael Duncan, Senior Resident Superior Court Judge for the 23<sup>rd</sup> Judicial District of North Carolina, B. Carlton Terry, District Court Judge, 22-B Judicial District of North Carolina, Pam Barlow, Clerk of Superior Court for Ashe County, North Carolina, and Matthew Levchuk, Assistant District Attorney for the 34<sup>th</sup> Prosecutorial District of North Carolina, by and through Special Deputy Attorney General Elizabeth Curran O'Brien, and hereby submits this notice of undersigned counsel's attempt to comply with the Standing Order 5:19-MC-5 Requiring an Initial Settlement Conference in Civil Cases Assigned to the Honorable Kenneth D. Bell.

On October 15, 2020, undersigned counsel sent a letter to the *pro se* Plaintiff requesting he arrange for a call on October 26, 2020, at 10:00am in an effort to comply

with Standing Order 5:19-MC-5. On October 22, 2020, Plaintiff called undersigned counsel and the parties rescheduled to call for November 2, 2020 at 2:00pm. On

matter. Plaintiff repeatedly made claims wholly unsupported by any valid legal theory

there was any common ground upon which the parties could discuss a resolution of this

November 2, 2020, undersigned counsel called the Plaintiff and attempted to ascertain if

(which are more thoroughly described in the memorandum in support of Defendants

Motion to Dismiss) and it was clear that the discussion would not be fruitful. Plaintiff

become combative when undersigned counsel would not engage in an analysis of his

legal theories and after 22 minutes, Plaintiff was informed that undersigned counsel

would hang up the phone. Undersigned counsel does not believe any further

communication with Plaintiff will bring about a different result and thereby files this

notice with the Court of her efforts to comply with the Court's Standing Order, and the

impossibility to do so in light of the legal theories and nature of the Plaintiff's complaint.

This, the 23<sup>rd</sup> day of November, 2020.

/s/ Elizabeth Curran O'Brien

Elizabeth Curran O'Brien Special Deputy Attorney General

N.C. Department of Justice

## **CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing NOTICE OF ATTEMPT TO COMPLY WITH STANDING ORDER REQUIRING INITIAL SETTLEMENT CONFERENCE IN CIVIL CASES ON BEHALF OF DEFENDANTS DUNCAN, TERRY, BARLOW AND LEVCHUK with the Clerk of the court using the CM/ECF system which will send notification of such filing to the parties of record who participate in the CM/ECF system and placed a copy of the same in the U.S. Mail, postage-prepaid, addressed to the following individual:

Curtis Edwin Leyshon 915 North Pine Run Road Boone, NC 28607 Pro Se Plaintiff

This, the 23<sup>rd</sup> day of November, 2020.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice